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8	BEFORE THE BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA			
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11	In the Matter of the Statement of Issues Against:	Case No. 2013-167		
12	ALICE MUMBI TURNER a.k.a ALICE			
13	MUMBI WAMBUI	STATEMENT OF ISSUES		
14	Registered Nurse License Application			
15	Respondent.			
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18	Complainant alleges:			
19	PARTIES			
20	1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Statement of Issues solely in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of			
21				
	Consumer Affairs (Board).			
22 I	1	2. On or about July 22, 2011, the Board received an application for a Registered Nurse		
22	2. On or about July 22, 2011, the Board	d received an application for a Registered Nurse		
23	2. On or about July 22, 2011, the Board License from Alice Mumbi Turner a.k.a. Alice M			
23		Mumbi Wambui (Respondent). On or about July		
232425	License from Alice Mumbi Turner a.k.a. Alice N	Mumbi Wambui (Respondent). On or about July perjury to the truthfulness of all statements,		
23	License from Alice Mumbi Turner a.k.a. Alice N 19, 2011, Respondent certified under penalty of	Mumbi Wambui (Respondent). On or about July perjury to the truthfulness of all statements,		
23 24 25	License from Alice Mumbi Turner a.k.a. Alice M 19, 2011, Respondent certified under penalty of answers, and representations in the application.	Mumbi Wambui (Respondent). On or about July perjury to the truthfulness of all statements,		

JURISDICTION

3. This Statement of Issues is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

- 4. Section 480 states, in pertinent part:
- "(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:
- "(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

"(3) (A) Done any act that if done by a licentiate of the business or profession in question,

- "(B) The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made. . . ."
- 5. Section 490 provides that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.
- 6. Section 2736 provides that the Board may deny a license when it finds that the applicant has committed any acts constituting grounds for denial of licensure under section 480.
 - 7. Section 2761 states, in pertinent part:

would be grounds for suspension or revocation of license.

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

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- a. On or about November 7, 2006, after pleading nolo contendere, Respondent was convicted of one interlineated misdemeanor count of violating Penal Code section 602(k) [trespass: posted lands] in the criminal proceeding entitled *The People of the State of California v. Alice Mumbi Wambuiturner* (Super. Ct. Los Angeles County, 2006, No. 6PY06523). The Court sentenced Respondent to six (6) days jail, placed her on 36 months probation, ordered her to perform 100 hours of Cal Trans duty, and ordered her to complete: a 12-Month Batterer's Counseling Program, and a Graffiti Removal Program.
- b. The circumstances underlying the conviction are that on or about October 14, 2006, after leaving a club and admittedly consuming alcoholic beverages, Respondent was involved in a domestic dispute in a vehicle with her boyfriend, K., where she struck K. in the face approximately 20 times, and then, used the heel of her shoe to strike K. in the head twice causing him to bleed and flee for his safety.

SECOND CAUSE FOR DENIAL OF APPLICATION

(Conduct Warranting License Discipline)

- 11. Respondent's application is subject to denial under section 480, subdivision (a)(3)(A), in that Respondent committed acts which, if committed by a licensed registered nurse, would be grounds for suspension or revocation of the license by violating sections as follows:
- a. <u>Sections 490 and 2761, subdivision (f)</u>. On or about November 7, 2006, Respondent sustained a substantially related criminal conviction.
- b. <u>Sections 2761, subdivision (a), and 2762, subdivision (b)</u>. On or about October 14, 2006, on the grounds of unprofessional conduct, Respondent used alcoholic beverages to an extent or in a manner dangerous or injurious to herself or others.
- c. <u>Section 2761, subdivision (a)</u>. On or about October 14, 2006, and November 7, 2006, Respondent committed acts of unprofessional conduct.

Complainant refers to and by this reference incorporates the allegations set forth above in paragraph 10, subparagraphs a and b, inclusive, as though set forth fully.

DISCIPLINARY CONSIDERATIONS

12. To determine the degree of discipline, Complainant alleges that on or about September 8, 2011, Respondent informed he Board through written correspondence that on December 7, 2007, she was involved in a motor vehicle accident, while driving under the influence of alcohol. Subsequent to the accident, she was hospitalized for belligerent and erratic behavior, and was given a sedative by medical professionals at the hospital. She was arrested but not charged for violating Vehicle Code section 23152, subdivision (a). As a result of this arrest, Respondent's driver's license was suspended by the Department of Motor Vehicles for a period of 6 months.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

- 1. Denying Alice Mumbi Turner a.k.a. Alice Mumbi Wambui's Registered Nurse License Application; and
 - 2. Taking such other and further action as deemed necessary and proper.

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DATED: September 6, 2012	A service K
DATED. SERVINGE 6, 2012	Donuse K
/	LOUISE R. BAILE

LOUISE R. BAILEY, M.ED.,

Executive Officer
Board of Registered Nursing

Department of Consumer Affairs

State of California Complainant

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